



## ORDINANCE NO. 3348

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AS HERETOFORE AMENDED; BY REZONING AN APPROXIMATELY 3.260± ACRE TRACT OF LAND OUT OF THE JOSIAH PANCOAST SURVEY, ABSTRACT NUMBER 1146, CITY OF FARMERS BRANCH, DALLAS COUNTY, AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" HERETO, FROM LIGHT INDUSTRIAL (LI) TO PLANNED DEVELOPMENT NO. 98 (PD-98) ZONING DISTRICT; ADOPTING DEVELOPMENT STANDARDS; ADOPTING A CONCEPTUAL SITE PLAN; ADOPTING BUILDING ELEVATIONS; ADOPTING A LANDSCAPE PLAN; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the governing body, in the exercise of the legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended by rezoning the property described in Exhibit "A" attached hereto and incorporated herein by reference ("the Property"), from Light Industrial (LI) to Planned Development No. 98 (PD-98) zoning district.

**SECTION 2.** In addition to applicable provisions of the Comprehensive Zoning Ordinance ("CZO"), the Property, being within PD-98 zoning district as created hereby, shall be used and developed in compliance with the following development and performance standards (the "Standards"):

**A. USES.** The following uses shall be permitted on the Property by right or following approval of a Specific Use Permit. Any use not specifically listed shall be prohibited:

1. Uses permitted by right.

- a. Multi-family residential (apartment and condominiums) subject to the requirements set forth in Subsection B, below.
  - b. All Retail and Service Uses permitted within the Local Retail-2 (LR-2) Zoning District as set forth in Section 8-107 of the Comprehensive Zoning Ordinance, as amended or succeeded, except those requiring a Specific Use Permit or otherwise prohibited by this Ordinance.
  - c. Banks, savings and loan associations, and other financial institutions, but not including credit service organizations, payday loan businesses, or motor vehicle title loan businesses.
  - d. Office buildings (including, but not limited to: private corporate offices, professional offices, and medical and diagnostic offices).
  - e. Park or playground, public or private.
2. Uses requiring a Specific Use Permit.
- a. On-premise sale of alcoholic beverages in a Qualified Restaurant.
  - b. Health club or studio, public or private.
  - c. Hotels.
3. Use Limitations.
- a. All uses shall be permitted only in locations specifically designated on an approved Detailed Site Plan.
  - b. No change in the location, density, height, required landscaping, site coverage or any other development standard established in this Ordinance relative to any use approved on a Detailed Site Plan for development of all or a portion of the Property shall be permitted unless an amended Detailed Site Plan showing the proposed changes is submitted and approved in accordance with this Ordinance and approved by the Planning and Zoning Commission and City Council.

**B. STANDARDS FOR MULTI-FAMILY USES.**

- a. No Multi-Family residential structure and/or development shall be constructed on the Property until a Detailed Site Plan has been approved that sets forth the elements of the structure or development that conforms to the below minimum standards. Multi-Family Residential uses shall conform at least to the following requirements:
  - (1) All multi-family developments shall be at least four (4) stories in height.

- (2) No surface parking or unarticulated building shall terminate any public street corridor.
- (3) Building massing, shape, and articulations shall be designed to support a harmonized development and shall be complimentary with regard to color, shape, scale, and materials. Buildings should create a visual interest in an effort to showcase the architectural style.
- (4) All exterior facades (excluding balconies, doors, windows, and breezeways) shall be constructed of at least seventy-five percent (75%) natural clay brick, brick veneer, natural stone, stone veneer materials, or metal style panels. Exterior Insulation Finishing System (EIFS) shall not exceed ten percent (10%) of the exterior facade and may only be used for architectural elements and accents. Stucco shall not exceed twenty-five percent (25%) of the exterior facade. Cementitious fiberboard shall not exceed ten percent (10%) of the exterior facade.
- (5) All buildings shall be oriented to front public streets, open space and public spaces to the greatest degree possible. Buildings fronting any public street shall be designed with limited setbacks so as to frame the street appearance.
- (6) Building corners shall be designed with elements to create visual interest from street views.
- (7) Special paving designs shall be accented within the development. All hardscape within the open space areas shall be consistent and harmonious.
- (8) In addition to the requirements set forth in Section 8-618 of the Comprehensive Zoning Ordinance, as amended or succeeded, landscape screening shall be used along public streets at building separations to keep views of surface parking minimal.
- (9) Utility boxes, transformers, trash containers and HVAC units shall be screened from public street view to the greatest degree possible.
- (10) Public and private utilities are required to be constructed, placed and maintained underground within the Property.
- (11) Illumination shall be required on all exterior walls and for all parking areas and walkways between buildings.
- (12) All window framing shall be wood, vinyl, vinyl clad, or other such approved materials to provide for a window profile suitable for the architectural style of the buildings constructed on the Property.

Window frames shall be in a color consistent with the building materials to blend harmoniously.

- (13) All roofing material shall be concrete tile, clay tile, slate, standing seam metal, or composition shingle which carries a Class A fire rating. Roof materials must be compatible with the architectural style of the buildings.
- (14) First floor units fronting Landmark Boulevard shall have an entry accessible from the sidewalk or patio towards the sidewalk.
- (15) Parking structures shall not be visible from Landmark Boulevard and shall have a façade that is complementary to the primary building façade.
- (16) The internal noise environment within residential units shall maintain an internal noise level of forty-five decibels (45 db(A)) or less. In order to maintain a suitable living environment within residential units, the following building assemblies or components must meet the following minimum nominal Sound Transmission Class (“STC”) ratings:
  - (i) Façade Walls – 40 STC
  - (ii) Windows – 26 STC
  - (iii) Doors – 28 STC
  - (iv) Roofs and ceilings – 45 STC

**C. DENSITY.** The term “density” as used in this Ordinance shall mean the relationship between the total gross square footage of above-grade buildings or structures located on the Property and the square footage area of the Property. The density permitted within this District shall be based on Floor to Area Ratio (“FAR”), which shall be a minimum of 2.5:1 FAR and shall be computed by comparing the total building structure square footage constructed on a lot or parcel within the Property to the area of the lot or parcel, measured in square feet. For the purpose of this Ordinance, “building structure” means any enclosed structure, but excluding the following: (i) courtyards; (ii) below-grade mechanical rooms and related access ways; and (iii) at-grade, below-grade, and above-grade parking structure levels.

**D. BUILDING SETBACKS.** Building setbacks shall be established on the Detailed Site Plan and in consideration of the following: constraints from the neighboring buildings (e.g., volumes, heights, and uses), overall image of the street frontage, and building orientation.

E. **BUILDING STRUCTURE SITE COVERAGE.** Maximum ground floor gross square foot building structure coverage on any lot within PD-98 shall not exceed seventy-five percent (75%) of the total square foot area of the lot on which the structure is built.

F. **LANDSCAPED OPEN SPACE.** The provision of Landscaped Open Space (the "Landscaped Open Space") within PD-98 shall, at a minimum, comply with the following:

1. Landscaped Open Space shall be defined as those unpaved areas of the Property including natural or planted Landscaped Open Space dedicated to the public, natural or planted Landscaped Open Space owned and maintained by a property owners' association, and privately-owned and maintained natural or planted Landscaped Open Space. In addition, paved pedestrian courtyards, walkways, and water bodies (e.g., lakes, pools) may be counted as Landscaped Open Space.
2. Landscaped Open Space provided within this District shall be not less than ten percent (10%) of the total square foot area of the Property.
3. Open courtyard areas internal to buildings may be counted as Landscape Open Space. Otherwise, Landscaped Open Space shall be limited to areas of the Property located outside the external wall lines of building structures.

G. **STREETSCAPE AND SITE LANDSCAPING.** Landscape design will enhance the character of the architecture, and create an atmosphere that promotes a comfortable pedestrian experience. Spaces and plantings shall be designed at a human-scale, and be harmonious in form and expression. Trees should be placed so as to maximize shading along streets, sidewalks, public spaces, and other pedestrian ways. All landscape plans shall be submitted for approval to the city staff prior to installation and shall be substantially in compliance with the Landscape Plan attached hereto as Exhibit C and incorporated herein by reference.

1. **Street Trees.** Required street trees shall be container grown, a minimum of three-inch (3") diameter caliper at the time of planting, and planted in accordance with the following:
  - a. Except as provided in Paragraph b, below, the number of required street trees is determined by dividing the number of feet of lot frontage by twenty-five (25). Fractions are rounded up to the nearest whole number.
  - b. Trees shall be located in the area between the face of the building and the public street and based on existing and/or proposed utility easement locations. If permission is not granted by utility companies to install street trees within their respective easements or if there is insufficient area between the building face and the public street in certain portions of the Property, and no other acceptable alternate space is available for street tree planting, no street trees shall be required within said portion of the Property.

- c. Entry drives and visibility triangles shall be subtracted from the frontage length calculation.
- d. Trees may be grouped if desired.
- e. A 1:1 replacement ratio can be used for street trees of similar type and size. Two (2) ornamental trees, not less than eight feet (8') tall at time of planting, may replace one large tree up to a maximum of thirty-three percent (33%) of the large tree requirement.

2. Site Trees.

- a. At least one (1) large container grown tree three-inches (3") diameter caliper at time of planting for each 2,500 square feet of required Landscape Open Space must be planted within the Landscape Open Space areas. A 1:1 replacement ratio can be used for site trees of similar type and size. Two ornamental trees, not less than eight feet (8') tall at time of planting, may replace one large tree up to a maximum of 33% of the large tree requirement.
- b. Required street trees, parking lot landscape island trees, and landscape buffer trees may count toward fulfillment of the site tree requirement.

**H. LANDSCAPE GENERAL REQUIREMENTS.**

- 1. The use of native or adapted species of plants and trees is strongly encouraged.
- 2. Dead plants shall be promptly removed and replaced with plants of similar size and caliper.
- 3. Landscape islands shall be at least eight feet (8') wide with a maximum of ten (10) parking spaces between landscape islands. Each landscape island shall be planted with at least one (1) container grown tree three inches (3") diameter caliper at planting or one (1) tree eight foot (8') tall at time of planting.
- 4. All plant material shall be maintained by the owner of the portion of the lot on which the plant material is located in a healthy and growing condition, and replaced with plant material of similar variety and size if damaged, destroyed or removed.
- 5. Landscape areas shall be kept free of trash, litter, weeds and other materials or plants not a part of the landscaping.
- 6. All planted Landscaped Open Space areas within this District shall be irrigated with a fully automatic irrigation system.

7. All Landscaped Open Space areas and supporting automatic irrigation systems within PD-98 shall be provided in strict accordance with the Landscape Plan attached as Exhibit C.

I. **PARKING.** Parking shall be provided for the proposed uses at the following minimum ratios unless a lesser parking requirement is approved by Site Plan:

1. Dwellings. One (1) parking space per bedroom.
2. Retail, Service, and Affiliated Office Support Systems. One (1) space per each 250 square feet of gross floor area.
3. Offices. Three (3) parking spaces per each 1,000 square feet of gross floor area.
4. Eating Establishments. One (1) parking space per each three (3) seats.
5. Hotels. One (1) parking space for each of the first 250 rooms, plus three-fourths (0.75) space per room for the next 250 rooms, plus one-half (0.5) space for each room over 500 rooms, plus such spaces as required by restaurants, ballrooms, and affiliated facilities.
6. Mixed-use Parking Discounts. In order to provide adequate off-street parking for large scale mixed-use projects, the following discounts shall be applied in the calculation of off-street parking requirements when approved as part of a Detailed Site Plan.
  - a. The minimum parking required for an office use may be reduced by ten percent (10%) if:
    - (1) the gross floor area of the office use is greater than 100,000 square feet; and
    - (2) the office building is located on the same building site with a hotel, retail, or restaurant use described in this Subsection I.6.
  - b. The minimum required parking for a hotel use may be reduced by ten percent (10%) if the hotel is developed:
    - (1) with more than 140 guest rooms; and
    - (2) on the same building site with an office, retail, or restaurant use described in this Subsection I.6.
  - c. The required minimum parking for all retail and restaurant uses may be reduced by ten percent (10%) if the uses:
    - (1) total more than 10,000 square feet of gross floor area; and

- (2) are developed on the same building site with an office or hotel use described in this Subsection I.6.
- d. The required minimum parking for all recreation, entertainment, private clubs, and restaurant uses may be reduced by ten percent (10%) when developed on the same building site with an office or hotel use.
- 7. To foster mixed-use interaction between existing and future uses, the Planning and Zoning Commission may approve a reduction in the required minimum parking as set forth in this subsection if the property owners of adjacent properties enter into acceptable shared parking agreements or provide for perpetual mutual parking easements on adjacent properties. The reduction in required minimum parking shall be shown on the approved Detailed Site Plan.

**J. PARKING DESIGN.** In general, all parking areas, including parking garages, shall comply with setbacks, space requirements, federal and state laws and regulations regarding access for people with disabilities, and shall be sufficient to meet the parking needs for all uses on the portion of the Property to be served by the parking area. The following guidelines reinforce these standards, and contribute to the establishment of a walkable community:

- 1. Parking areas shall provide safe, convenient access for pedestrians and provide walkway access from parking areas to main building entrances.
- 2. Surface parking lots (excluding tandem parking) will include a minimum buffer of five feet (5.0') between the parking areas and the buildings they serve.
- 3. All surface parking areas adjacent to public rights-of-way shall have a six foot (6.0') minimum landscape buffer consisting of a double row of evergreen shrubs reaching a height of three feet (3.0') at maturity. Shrubs shall be installed in a triangular spacing pattern, thirty-six inches (36") on center, and be at least five (5) gallons and eighteen inches (18") tall at installation. In addition, trees that are (i) spaced to match street trees and (ii) of the same species, size, and quality shall be incorporated into the required landscape buffer.
- 4. A minimum of ninety percent (90%) of required parking must be provided in a parking garage.
- 5. All parking surfaces and curbs shall be constructed of concrete. Asphalt paving or other bituminous material is not allowable.
- 6. Special paving areas are encouraged at crosswalks and building entrances to delineate pedestrian zones and accent large expanses of concrete.

**K. SCREENING.** Functional/service areas, while necessary, are not intended to be viewable from primary streets, neighboring properties or any public space. Materials and elements used in screening shall be complementary to the architecture and landscape



design of the building they serve. The following guidelines function to conceal objectionable areas or activities from public view:

1. Garbage Collection Areas. Garbage collection areas shall:
  - a. not face any public street located within two hundred feet (200') of the collection area;
  - b. be located within a parking structure;
  - c. be enclosed by a masonry wall which is at least the greater of:
    - (1) six feet (6.0') in height; or
    - (2) one foot (1.0') taller than the garbage collection container it screens; or
  - d. be landscaped with a double row of evergreen shrubs (not less than five (5) gallons and eighteen inches (18") tall at installation) planted in a triangular spacing pattern, thirty-six inches (36") on center, at the base of the screen wall or associated ramp system.
2. Site Utilities. Above grade telephone boxes, air conditioning units, meters, irrigation controllers, and similar items are to be screened from public streets with evergreen shrubs that are at least five (5) gallon and not less than eighteen inches (18") tall at installation or an architecturally fitting metal screen. If possible, architectural niches or offsets should be designed to accommodate mechanical equipment.
3. Roof Mechanical Equipment. Roof mounted mechanical equipment shall be screened from public street rights-of-way by parapet walls or continuous partial roofs.

#### **L. LOADING FACILITIES.**

1. Dimensions of loading facilities, including tractor-trailer facilities, will be determined as set forth on the approved Detailed Site Plan. Loading facilities shall be a minimum area of ten feet (10') by thirty feet (30').
2. Loading facilities for more than one (1) building may be provided in a common terminal if connections between building and terminal are off-street.
3. Loading facilities shall be designed to minimize interference with traffic flow and to eliminate the need to use any public street for maneuvering of any delivery vehicle.

4. All multi-family, office, commercial, hotel, and restaurant uses shall provide and maintain off street loading facilities in the quantities as shown on an approved Detailed Site Plan.

**M. STREETS AND ACCESS EASEMENTS.** All public street rights-of-way, public access easements, public alleys, and fire lanes within PD-98 shall be constructed in conformance with City engineering design criteria. Certain street improvements may be necessary to address the impact of the development of the Property on the City's streets. Street improvements shall be constructed to mitigate the impact of development identified in a site traffic study or as otherwise may be required as a condition of Detailed Site Plan approval.

**N. FENCING.** Fences shall be designed as functional architectural accents. Allowable placement and material selection regarding fencing is as follows:

	DEVELOPMENT	PARKS & OPEN SPACE
<b>Material</b>	Metal or Wrought Iron	Metal or Wrought Iron
<b>Height</b>	6'6" (maximum)	6'6" (maximum)
<b>Setbacks</b>	None	None

Masonry columns or screen walls are allowed as part of the fencing layout at a maximum height of six feet (6.0') and nine inches (9.0").

**O. SIGNS.** Signage and identification uses permitted in a Planned Development (PD) pursuant to Section 8-108 of the Comprehensive Zoning ordinance, as amended or succeeded, as such uses may specifically be permitted with regard to type and location on an approved Detailed Site Plan for the Property as herein required.

**P. CONCEPTUAL SITE PLAN APPROVAL.**

1. The Conceptual Site Plan establishes the general development intent for the Property, including general street layout, primary block configuration, conceptual building shape and layout on each block, general location of public and private parks and amenities, parking arrangement, and generalized public use and access easements. The Conceptual Site Plan shall serve as a guide for the approval of any and all site plan submissions relating to the Property, but shall not be construed to specify precise dimensions, locations, or configurations; such details shall more accurately and appropriately be determined at the time of Detailed Site Plan approval.
2. Any significant deviation from the Conceptual Site Plan not constituting a Minor Modification shall require an amendment to the Conceptual Site Plan in accordance with the procedures required for a zoning amendment. The City Planning Director shall make the initial determination as to whether a requested change constitutes a Minor Modification.

3. For purposes of this Ordinance, a “Minor Modification” to the Conceptual Site Plan is a change to the development and design standard of this Ordinance or the Comprehensive Zoning Ordinance, whichever is applicable, that is determined to meet the goals and intent of this District as set forth in this Ordinance. A modification may be approved administratively by the City Planning Director as a Minor Modification if, and only if, the modification:
  - a. Does not materially change the circulation and building locations shown on the Conceptual Site Plan;
  - b. Does not increase the building area permitted under this Ordinance;
  - c. Does not materially alter the relationship between the buildings and the internal streets through the alteration of minimum setback requirements;
  - d. Does not allow a use not otherwise authorized by this Ordinance;
  - e. Does not increase the allowable intensity or density of any land use under this Ordinance; or
  - f. Does not otherwise effectively result in an amendment to the CZO to an extent beyond the amendments established by this Ordinance.
4. The City Planning Director shall have the right to present any Conceptual Site Plan amendment to the Planning and Zoning Commission and City Council for approval, even if it constitutes a Minor Modification.
5. An application for an amendment to the Conceptual Site Plan shall include at least the following:
  - a. Vicinity map at a scale of 1”=1,000' as part of the Conceptual Site Plan, showing size, boundary configuration and ownership of all land immediately adjacent to the Property.
  - b. Boundary survey of the Property including the following:
    - (1) Metes and bounds of all boundary lines of the Property;
    - (2) Total land area within the Property;
    - (3) Graphic scale and north arrow;
    - (4) Names and route number of boundary streets and rights-of-way;
    - (5) Existing topography with a maximum contour interval of two feet (2’);
  - c. Copy of the warranty deed showing current ownership of the Property;

- d. Generalized land use plan showing approximate location of proposed land uses, circulation corridors, and public utility corridors, including a statement of maximum allowable building area and parking space and anticipated building heights; and
- e. Aerial photograph of the Property and all adjacent properties within five hundred feet (500') that states the date of the photograph.

**Q. DETAILED SITE PLAN APPROVAL.**

- 1. Prior to beginning any development on a building site within the Property, a Detailed Site Plan detailing the proposed development shall be submitted to the Planning and Zoning Commission for review and recommendation and City Council for final approval. No construction permits for the portion of the Property within the boundaries shown on the Detailed Site Plan shall be issued prior to approval of the Detailed Site Plan. Approval shall be based on compliance of the Detailed Site Plan with the standards, guidelines and intent set forth in this Ordinance, the Comprehensive Zoning Ordinance, and the Conceptual Site Plan.
- 2. A request for an amendment to a Detailed Site Plan may be reviewed and approved administratively if the City Planning Director determines that the requested amendment is consistent with the approved Conceptual Site Plan and constitutes a Minor Modification. All other amendments to the Detailed Site Plan shall be approved in the same manner as the original Detailed Site Plan. The City Planning Director shall have the authority to require any requested amendment to a Detailed Site Plan to be reviewed by the Planning and Zoning Commission and approved by the City Council.
- 3. An application for a Detailed Site Plan shall contain at least the following:
  - a. Vicinity map at a scale of 1"=1,000' as part of the Detailed Site Plan;
  - b. Boundary survey of the building site including the following:
    - (1) and bounds of all boundary lines of the building site;
    - (2) Total land area within the area of the Property within the Detailed Site Plan;
    - (3) Graphic scale and north arrow;
    - (4) Names and route numbers of boundary streets and rights-of-way; and
    - (5) Existing topography with a maximum contour interval of two feet (2');

- c. Copy of the warranty deed showing current ownership of the Property;
  - d. Aerial photograph of the building site and all adjacent properties within at least five hundred feet (500') that states the date of the photograph;
  - e. Detailed and to-scale rendering showing:
    - (1) Existing and proposed public or private streets and curb cuts;
    - (2) Existing and proposed buildings and parking structure location, including size in number of square feet, number in floors, number in spaces and size of spaces in parking structures, and height above grade;
    - (3) Existing and proposed utility easements and fire lanes;
    - (4) Landscape and irrigation plan for Landscaped Open Space areas within the Property to include:
      - (i) A planting plan and plant legend showing the proposed locations, types and sizes at time of planting for all required trees and shrubs; and
      - (ii) An irrigation system plan showing: the proposed locations and sizes of supply pipes; locations, types, capacities and coverage areas for irrigation heads; and type locations and zoning for any automatic control system or a clear notation on the Landscape Plan that states all landscaped areas are to be irrigated with an automatic irrigation system which design shall be subject to city staff approval;
  - f. Proposed at-grade parking lots and loading facilities;
  - g. Statement of proposed floor area ratio, building site coverage ratio, and landscape area ratio;
  - h. Proposed on-site identification and directional signage;
  - i. Anticipated uses within the building site;
  - j. Proposed drainage and grading plan; and
  - k. All existing and proposed utilities, including site and tap location of all fire hydrants.
4. If any portion of the buildings or parking structures within the building site are to be located below grade, a separate below grade building site plan shall be submitted showing the boundaries of the building site; above ground public street

rights-of-way and street paving; the elevations and grades of the ground level floor of all buildings and parking structures; the elevation and grade of all surface parking; plans for all proposed underground structures including parking levels and vehicle circulation; graphic scale and north arrow. The underground structures and the above grade structures shall be illustrated in a manner that clearly distinguishes between the two types of structures without ambiguity and to the satisfaction of the City Planning Director.

5. If a building site is to be developed in phases, the submittal shall also include a conceptual plan for future phases showing the approximate location of circulation corridors and public utility corridors, and the approximate location of buildings and parking for future phases.
6. All other information requested by the City Planning Director, Planning and Zoning Commission, and/or City Council reasonably necessary to determine compliance of the Detailed Site Plan with the Comprehensive Zoning Ordinance as amended by this Ordinance.

**R. SPECIAL EXCEPTIONS.**

1. In those circumstances where the owner and/or applicant believes that, due to unique characteristics of the site or other circumstances, strict compliance with the standards set forth in this Ordinance is not feasible or desirable and that deviation from the standards will allow for equal or better results, the Planning and Zoning Commission may be petitioned to grant a special exception with the site plan application. The Planning and Zoning Commission shall consider all requests for special exception to the standard within the context of consistency with the overall concept of the proposed development. Notwithstanding the foregoing, the Planning and Zoning Commission may not grant a special exception that:
  - a. would result in the approval of a land use not otherwise authorized by this Ordinance or the Comprehensive Zoning Ordinance; or
  - b. increases the allowable intensity or density of any land use under this Ordinance; or
  - c. effectively results in an amendment to the Comprehensive Zoning Ordinance or the Conceptual Site Plan to an extent beyond the amendments established by this Ordinance.
2. All decisions of the Planning and Zoning Commission in this regard shall be final unless appealed to the City Council. An applicant may appeal the decision of the Planning and Zoning Commission by filing a letter requesting an appeal with the Planning Director not later than the fifteenth (15<sup>th</sup>) day after the date of the Planning and Zoning Commission voted to deny the requested special exception.

**SECTION 3.** In addition to the Standards set forth in Section 2, above, the Property shall be used and developed in accordance with the Conceptual Site Plan, Conceptual Landscape Plan, and Conceptual Elevations set forth in Exhibits B, C, and D, respectively, which are attached hereto and incorporated herein by reference and are hereby approved.

**SECTION 4.** In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Farmers Branch and the provisions of this Ordinance as applicable to the use and development of the Property, the provisions of this Ordinance shall be controlling.

**SECTION 5.** Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


**SECTION 6.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 7.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 8.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS DAY, THE 17<sup>th</sup> OF NOVEMBER, 2015.**

ATTEST:

  
\_\_\_\_\_  
Amy Piukana, City Secretary

APPROVED:

  
\_\_\_\_\_  
Bob Phelps, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Peter G. Smith, City Attorney  
(kbl:11/6/15:74144)

**ORDINANCE NO. 3348**  
**EXHIBIT "A" – Description of the Property**

**BEING** a tract of land out of the Josiah Pancoast Survey, Abstract No. 1146, in the City of Farmers Branch, Dallas County, Texas, being part of Lots 1 and 2, Block 1 of Anderson and White Addition, an addition to the City of Farmers Branch according to the plat thereof recorded in Volume 953, Page 895 of the Deed Records of Dallas County, Texas, being part of a tract of land described in deed to Crescent Crown Land Holdings SVP, LLC recorded in Document No. 200900330332 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a point in the east right-of-way line of Landmark Boulevard (variable width ROW) for the south corner of Lot 2, Block 3 of Quorum West, an addition to the City of Farmers Branch according to the plat thereof recorded in Document No. 20050354965 of the Official Public Records of Dallas County, Texas and the southwest corner of Lot 1, Block 3, Quorum, an addition to the City of Farmers Branch according to the plat thereof recorded in Document No. 200600064801 of the Official Public Records of Dallas County, Texas, said point being in the City Limits line between the Town of Addison and the City of Farmers Branch;

**THENCE** with the south line of said Lot 1 and said City Limits, the following courses and distances to wit:

North 89°55'51" East, a distance of 366.12 feet to a point for corner;

North 88°46'28" East, a distance of 0.31 feet to a point for corner;

**THENCE** leaving said south line and with the City Limits line between the Town of Addison and the City of Farmers Branch and the east line of said Anderson and White Addition, South 0°15'32" East, a distance of 493.33 feet to a point for corner for the northeast corner of Lot 4, Block 1 of Wellington Square, an addition to the City of Farmers Branch according to the plat thereof recorded in Volume 79206, Page 350 of the Deed Records of Dallas County, Texas;

**THENCE** with the north line of said Lot 4, South 88°04'46" West, a distance of 259.08 feet to a point in the east right-of-way line of said Landmark Boulevard for the beginning of a non-tangent curve to the right having a central angle of 12°31'04", a radius of 240.00 feet, a chord bearing and distance of North 5°24'49" East, 52.33 feet;

**THENCE** with said east right-of-way line, the following courses and distances to wit:

In a northeasterly direction, with said curve to the right, an arc distance of 52.43 feet to a point at the beginning of a reverse curve to the left having a central angle of 29°18'29", a radius of 260.00 feet, a chord bearing and distance of North 2°58'52" West, 131.55 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 133.00 feet to a point for corner;



North 17°38'07" West, a distance of 237.60 feet to a point at the beginning of a tangent curve to the left having a central angle of 7°26'39", a radius of 758.00 feet, a chord bearing and distance of North 21°21'27" West, 98.42 feet;

In a northwesterly direction with said curve to the left, an arc distance of 98.48 feet to the POINT OF BEGINNING and containing 3.31 acres of land.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.







FRONT ELEVATION

MATERIAL FINISHES		
SMOOTH FACE STONE	49%	
CUT FACE STONE	28%	
METAL SPOKE	5%	
STICCO	20%	
NOTES:		
OVERALL MAINTENANCE (SMOOTH + CUT STONE) 75%		
FINISHES (STICCO) 25%		